

In re) Fair Hearing No. 17,341
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Appeal of)

The petitioner appeals a decision of the Department of PATH finding that he was overpaid Food Stamps due to his failure to report his son's income from wages for a two month period. The facts are not in dispute.

1. The petitioner was receiving Food Stamps in the Fall of 2000. At the time, his household included his adult son.

2. The petitioner does not dispute the Department's determination that his son was working during the period September 23 through November 18, 2000 and that the household received \$189 in Food Stamps during this period. The petitioner's Food Stamps were terminated after the Department discovered that the son was working.

3. On July 26 and August 31, 2001 the Department notified the petitioner that he had been overpaid a total of \$189 in Food Stamp benefits for the period at issue based on the Department's failure to receive timely information about his son's employment, which information would have made the household ineligible.

4. At the hearing in this matter the petitioner

represented that his son was no longer living in the household. The petitioner was advised at that time that he should reapply for Food Stamps and that if he is found eligible any outstanding overpayment would be deducted from his ongoing benefits.

ORDER

The decision of the Department is affirmed.

REASONS

A Food Stamp recipient is required to report changes in his financial circumstances within ten days of the date of the change. F.S.M. § 273.12. If he fails to do so and as a result receives benefits to which he is not entitled, the Department is obligated to make a claim for the overpaid amount. F.S.M. § 273.18(b). The Department may make a claim for any overpayment made up to a year before the discovery of the claim. F.S.M. § 273.18(c)(1)(i). The initial month of the overpayment is the month the change would have been effective if it had been timely reported and in no event can be more than two months from the time of the change of circumstances. F.S.M. § 273.18(c)(1)(i)(A). The amount of the overpayment is calculated by taking the difference between what the recipient should have received and what he actually did receive. F.S.M. § 273.18(c)(1)(B)(ii).

The petitioner does not dispute that his household was

ineligible for \$189 in Food Stamp benefits due to his son's employment from September 23 through November 18, 2000.

Although his son is no longer in the household the petitioner, as head of the household at the time, is liable for the resultant overpayment. F.S.M. § 273.18(a).

Inasmuch as the Department's decision in the matter is in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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